



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

Daniel Riesel
Sive Paget & Riesel P.C.
460 Park Avenue
New York, NY 10022

Re: New Cassel/Hicksville Groundwater Contamination Superfund Site

Dear Mr. Riesel:

Eric Schaaf asked me to respond on his behalf to your letters dated September 25, 2014 and November 5, 2014, and your email of November 6, 2014. Your letters and email concerned the Environmental Protection Agency's ("EPA's") July 2014 letters to your clients, Charles Pufahl, Adchem Corporation, and Lincoln Processing Corporation. In those letters, EPA notified your clients that EPA considers them to be potentially responsible parties ("PRPs") for the New Cassel/Hicksville Groundwater Contamination Site ("Site") and invited them, along with other PRPs, to negotiate a settlement agreement and order on consent for, among other things, the performance of the remedial design for operable unit one and the remedial investigation/feasibility study for operable unit three at the Site.

Since EPA issued the notice letters in July 2014, Magistrate Judge Lindsay issued a decision granting summary judgment to Charles Pufahl and another of your clients, Northern State Realty Company, finding that Northern State Realty Company, a dissolved company, was not liable as an "owner" under Section 107(a) of CERCLA, 42 U.S.C. §9607(a). As such, EPA no longer considers Mr. Pufahl, the surviving partner of Northern State Realty Company, a PRP for the Site. Currently before Magistrate Judge Lindsay is your summary judgment motion regarding Adchem Corporation's liability at the Site, as well as an ongoing action regarding Lincoln's liability. EPA will await judicial decisions as to those parties before determining whether EPA no longer has reason to believe either or both have potential liability under CERCLA for the Site.

Please note that EPA's notice of potential liability and subsequent invitation to your clients to participate in settlement negotiations were simply that: they reflected a reasonable basis to believe that potential liability existed, and did not reflect any determination to take enforcement action. If your clients Adchem and Lincoln decide not to participate in the negotiations or refuse to sign the settlement agreement, EPA will make a decision in the future as to whether enforcement action is appropriate. EPA has yet to make any such decision.

If you have any questions, please do not hesitate to call me at 212-637-3158.

Sincerely yours,

Thomas Lieber, Chief
New York/Caribbean Superfund Branch
Office of Regional Counsel